

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JAN 27 2009

LAWRENCE K. BAERMAN, Clerk  
UTICA

UNITED STATES OF AMERICA,

vs

5:08-CR-556

CLIFFORD SHULTZ,

Defendant.

APPEARANCES:

OF COUNSEL:

HON. ANDREW T. BAXTER  
Acting United States Attorney  
for the Northern District of New York  
Attorney for Government  
100 South Clinton Street  
P. O. Box 7198  
Syracuse, New York 13261-7198

LISA M. FLETCHER, ESQ.  
Assistant U.S. Attorney

OFFICE OF THE FEDERAL PUBLIC  
DEFENDER

LISA A. PEEBLES, ESQ.

Attorney for Defendant  
The Clinton Exchange, 3<sup>rd</sup> Floor  
4 Clinton Square  
Syracuse, NY 13202

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Defendant has moved to suppress any post-arrest statements pursuant to Fed. R. Crim. P. 12(b)(3)(c). (Docket No. 10) The Government opposes and cross-moves for discovery. (Docket No. 12).

Even assuming the facts as opposed to conclusions, set forth in defendant's short five paragraph affidavit to be true, he has failed to even raise a question of fact that his Fifth Amendment rights were violated. This failure is even more obvious when

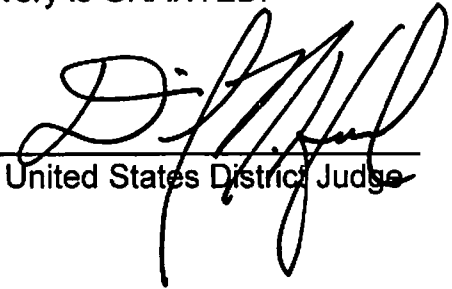
reviewed against the detailed affidavits with exhibits of Agent Mark Park and Investigator Todd Grant.

Therefore, it is

ORDERED that

1. Defendant's motion to suppress or for a hearing is DENIED; and
2. The Government's cross motion for discovery is GRANTED.

IT IS SO ORDERED.



United States District Judge

Dated: January 26, 2009  
Utica, New York.